

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<b>JINKS, DANIEL &amp; CROW, P.C.,</b>	§	
<b>PLAINTIFF,</b>	§	
<b>v.</b>	§	<b>CASE NUMBER:</b>
<b>COMMUNITY BANK AND TRUST OF</b>	§	<b>2:05cv940-T</b>
<b>SOUTHEAST ALABAMA, and</b>		
<b>INTERNAL REVENUE SERVICE,</b>	§	
<b>DEFENDANTS.</b>	§	

**MOTION TO AMEND COMPLAINT**

COMES NOW PLAINTIFF JINKS, DANIEL & CROW, P.C., (hereinafter “Jinks”), and moves this Honorable Court for leave to amend its Complaint previously filed in this matter on the 3<sup>rd</sup> day of October 2005, in order to correctly reflect the facts as alleged in Paragraphs 7, 8 and 9 of the original Complaint. Paragraph 7, 8 and 9 of the attached First Amended Complaint correctly state the facts contained herein and rephrase subsequent paragraphs to delete the term “Settlement Proceeds”.

Jinks avers that this amendment is necessary to correctly reflect the facts in this case, and that neither Defendant will be prejudiced or inconvenienced by such amendment.

THIS 25<sup>th</sup> day of October, 2005.

s/Janie S. Gilliland

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Certificate of Service

I hereby certify that I have, on this 25<sup>th</sup> day of October, 2005, delivered a copy of the foregoing on the following, by placing a copy of the same in the United States Mail, properly addressed, with sufficient first-class postage affixed thereto, to insure delivery.

s/Janie S. Gilliland

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